In each province, a Provincial Representives' Conference was held at least twice, and the Representatives' Conference for the municipality of Wuchang-Hankow was held five times; the conference for Canton was convened seven times; conferences in forty smaller cities in this region were held eight times; and in the municipality of Nanchang, a conference was held fourteen times. The publication of these figures was offered not only in compliment to the zealous conference workers, but also served as an implied rebuke to those who refused to show the required degree of enthusiasm. 646

In the preparatory stage, representatives to the conferences were elected from a number of professional groups, including the peasants' associations, the trade unions, the chambers of commerce and industry, and the cultural and educational associations. Cheng's report clearly shows that in this period many mistakes were committed, but these were seized upon and re-examined so that future mistakes might be avoided when the People's Congress, at all levels, should next be convened. Many illegal practices were discovered. Sometimes a candidate was chosen without the formality of election; in other cases representatives were appointed by the Party; in other cases substitutes were chosen for those representatives already elected. Cheng also reported that in some instances landlords and counter revolutionaries were elected to the representatives' conferences. 646 666

On the other hand, Cheng's report includes examples of cases in which members of the Representatives' Conference in Hsi-shui County had the courage to accuse members of the Communist 661

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Party cadres of corruption, extravagance with government funds, bureaucracy, violations of laws, and "independent" action counter to government policy. Among those accused were members of the Communist county branch, the head of the county, the chief of the commercial and artisan division, the chief of the cultural and educational division, a secretary of a district branch of the Chinese Communist Party, and a principal of a high school.[21]

V. THE NEW CONSTITUTION

An electoral law for the People's Congress on all levels was promulgated on March 1, 1953. Then followed the registration of voters, the choice of candidates, the institution of election campaigns, the elections, and the counting of ballots.

The meeting of the National People's Congress, which was scheduled for September 1954, was preceded by the election of deputies to the provincial, municipal, county, and hsiang People' congresses of a province, a county, and a municipality divided into districts shall be elected by the People's Congress on the next lower level.

21. Cheng Shao-wen, "Chung-nan-ch'u Ti-erh-tz'u Min-cheng Hui-i Shang- Kuan-yu Min-chu Chien-cheng Kung-tso Ti Pao-kao" ["Report on the Democratic Reconstruction Delivered before the Second Central-South China Civil Administration Conference"] , Ch'ang-chiang Jih-pao [Yangtze Daily] , Hankow, November 13, 1952, p. 3.

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personages in the agricultural co-operatives and mutual-aid teams have been elected to public office. In the province of Honan, a typesetter was chosen from the trade union, and 41 presidents of agricultural co-operatives were chosen to serve in the People's Congress. Women members made [562] up 28 per cent of the delegates to the People's Congress. In Tu-an County in Kwangsi Province, 635 an area of minority nationalities, 37 members of the Yao people, 17 members of the Chuang people, 563 and 13 members of the Han-Chinese were elected to serve. Nineteen of those chosen were women from the minority groups. In T'ai-shan, Kwangtung Province, 39 were elected as members of the People's Congress and 13 as members of the hsiang People's Council.[24]

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Elections in 98 per cent of the basic units of the municipalities, counties, and hsiang were to be completed by May 25, 1954. Because leaders of the Party had urged the people to exercise their right to vote, about 85-90 per cent of those eligible to vote went to the polls. The Communist propaganda agencies insist that in Shao-shan hsiang, the birthplace of Mao Tse-tung, 100 per cent of those eligible to vote did so.

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It was reported that, in the province of Kiangsi, preparations for the People's Congress begun in June 1953 were completed by March 1954. In the 82 counties and 6 provincial districts and the special district of Lu Shan (Kuling), 10,000 delegates attended sessions of the People's Congress. Those winning the maximum number of votes were

24. People's Daily, May 21, 1954.

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3. The Election and the Post-Constitution Period

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Premier Chou En-lai's announcement of a nation-wide election in 1953 and the fact that the majority of the 280,000 hsiang had completed All-Circle People's Conferences indicated the degree of Communist confidence in their power.[68]

At the village and hsiang levels, the key task in the period prior to the election was the allocation of election districts.[69] In the Central-South China region, the original 4,100 ch'ü were increased to 5,300 ch'ü and the number of hsiang was increased to 10,000. Consequently, as explained by Teng Tzu-hui, the size of each hsiang was reduced to make for easier control. In the hsiang (which averaged 1,500 inhabitants) election districts were drawn up. From these districts representatives were elected to attend hsiang representatives' conferences, from which hsiang governments were organized.

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After the promulgation of the Constitution, Communist political power was further strengthened. The hsiang People's congress now holds the highest formal authority in the locality, but the true power remains with the hsiang People's council. Resistance remains strong in the rural areas, however, and in 1955, two strong countermeasures were passed by the Party.[70] Further expansion of agricultural

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68. Chinese text of Chou's report on Government Works in Chou En-lai: Cheng-chih Pao-kao 1953 [Political Report of 1953], Peking, Jen-min ch'u-pan-she, 1953, p. 16.

69. Teng's report before the Fourth Conference of Central-South China Military and Political Committee in Yangtze Daily, Dec. 13, 1952, pp. 1-3.

70. "Wei-shen-ma Pi-hsü Chung-shih Nung-yeh

(continued next page)

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III. ELECTIONS AND POLITICS OF MINOR PARTIES

A. Elections

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The nation-wide election which produced the peoples' congresses at all levels was held in the Central-South China region between 1953 and July-August 1954.

1. Election Mechanism

The Electoral Law of the People's Republic of China was promulgated on March 1, 1953.[74] Article 3 stipulates that deputies to people's congresses of a province, county, or municipality divided int districts shall be elected by a like people's congress of the next lower level. Deputies to the people's congress of a hsiang, town, municipal district, or municipality divided into districts shall be elected directly by the electors. To administer these elections, the electoral law provides for the establishment of election committees at all levels down to the hsiang. Members of the committees are appointed by the People's government of the next higher level. The eight functions assigned to the committee at the hsiang level were reinforced by the directive issued in April 1953 by the Central Election Committee.[75] The chairman of the committe e is appointed from the higher level. The Committee

74. The Electoral Law of the People's Republic of China for the All-China People's Congresses and Local People's Congresses of all Levels, Peking, Foreign Languages Press, 1953.

75. For the eight functions of the committee, see Article 39, ibid.; for the directive, see People's Daily, April 6, 1953, p. 1.

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defines electoral districts; each district should have at least 200 people, in order to supply two or three representatives. A voter-qualification examination board is established; only those who pass the examination may receive the electoral certificate. Committees at the hsiang level directly control the selection of candidates through negotiations between the Party representatives and representatives of mass organizations within the election committee.

Although the election to the peoples' congresses above the county level must be conducted by secret ballot, the election of deputies to the peoples' congresses of a hsiang, town, municipal district, and the election of hsiang or a town deputy to a county peoples' congress may be conducted by eithe secret ballot or a show of hands (Article 55).

2. Selection and Nomination of Candidates

Article 47 of the Electoral Law regulates the nomination of candidates. Members of the Communist Party of China, the various democratic parties, the various Peoples' organizations, and electors or representatives who are not affiliated with the above-mentioned parties or organizations may be nominated as candidates for election as deputies, either jointly through negotiation among the groups or separately by each party, according to electoral districts and electoral units. In all cases, however, joint nomination is the rule and the caucus method is adopted. Negotiations on the nomination of candidates at the provincial or municipal level a:e

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made through the consultative conference of the level in question. At the county level or below, where such conferences do not exist, negotiations are carried out by the election committee. There is little doubt that the Communist Party of China commands the selection of candidates in the negotiations. At the hsiang level, a preliminary list of the candidates is given to the electors' discussion group for approval and returned to the election committee. The final list is then published five days before the election.

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3. Election Campaign and Fund

The practice of joint nomination of candidates usually eliminates the need for election campaigning. A candidate from other parties and organizations so selected must first meet the approval of the local Party organization; if he is approved, his election is assured. Any campaigning must take place only at the Party meetings and discussion group meetings, where an individual may be questioned and his qualifications discussed. With respect to election expenses, Article 8 of the electoral law permits a disbursement from the national treasury. Since campaigning is rare, the collection of a campaign fund is not provided for. Article 62 singles out bribery as an offense. Other unlawful practices include violence, intimidation, and fraud, offenses subject to fine or imprisonment.

B. Politics of Minor Parties

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After 1950, minor parties gradually established

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The effective use of People's tribunals as weapons of force was introduced after the judicial reform.[6] During the nationwide elections in 1953-54, People's tribunals were again widely used. Their main function was to suppress and punish violators and unqualified candidates and voters, including those citizens accused of counterrevolutionary activity. These tribunals worked in coordination with the election committees at all levels. As of February 1954, in thirty-six counties in Kiangsi Province, 75 tribunals were established in 312 hsiangs and towns.

2. The Second Stage Numerous problems faced the judicial organs after the Communist seizure of power. At least two serious changes were contemplated by the Communists -- the elimination of the code system and the replacement of the Nationalist-trained judicial workers. But they were not completed until the judicial reform in 1952. With the exception of the complete abandonment of the Kuomintang code, the Liu-fa Ch'üan-shu[7] [The Compendium of the Six Codes], the Communists did not attempt to change the Kuomintang court system or to replace its judicial personnel. This was by no means an indication that the old system would be

6. Reports concerning this type of tribunal in People's Daily, Feb. 7, 1954, p. 3.

7. One edition of this work is Wu Ching-hsiung, Chung-hua Min-kuo Liu-fa Hui-pien, 6 vols., [The Compendium of the Six Codes of the Republic of China], Shanghai, Hui-wen T'ang, 1947.